

3 July '71

THE ACTING DIRECTOR

Attached is the SAVA material
included in the Director's book.

George A. Carver, Jr.
Special Assistant for Vietnamese Affairs

GAC. JES

- 1 - Black book file
- 1 - GAC Chrono
- 1 - NY Times file ✓

Portagon Papers

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2 July 1971

MEMORANDUM

SUBJECT: SAVA Contribution to DCI's Black Book

1. Leaks and Documents. Much of our time over the past two weeks has been devoted to flaps, problems and activity related one way or another to the situation created by the leak of various Vietnam documents -- principally but not exclusively the 47 volume (46 volumes of text plus a brief volume containing the transmittal note and index) "Pentagon Study" on Vietnam. HQS 3932 of 25 June, which you received in Amman, gave you the state of play as of mid-afternoon Friday, 25 June. Subsequent developments are outlined below.

a. Due primarily to a still unexplained lapse in Macomber's office, the list of excepted items plus argument for their exclusion on which our officers had labored on 24 and 25 June had not reached Assistant Attorney General Mardian by late Friday (25 June). After a flurry of phone calls, we arranged for a State legal officer to read the memo at dictation speed to one of Mardian's secretaries and the formal memo was in his hands early on Saturday, 26 June.

b. The Solicitor General skimmed but probably did not fully hoist aboard this solidly documented supplemental list and referred to it very casually in his argument. My own personal opinion (for what it is worth) is that the Solicitor General's performance in arguing the Government's case was not very impressive and did little to help the cause.

c. Friday evening (25 June), the Sun-Times story flap broke with a post-dinner call to me at home from first the Operations Center, then General Haig. This flap, described in a separate memo, was put to rest during the course of the night and the following morning (Saturday, 26 June).

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d. On 26 June, General Cushman signed and we sent to Secretary Laird the attached memorandum (dated 25 June) designed to keep the record straight and formally register a request for a set of the documents (in case anyone later taxed us for not reviewing them when we did not have them).

e. On Monday and Tuesday (28/29 June) there was more motion but little action as the Government sweated out the Supreme Court's decision. I was on the phone several times with DOD General Counsel Buzhardt's and Assistant Secretary for Public Affairs Daniel Henkin's offices with respect to the Agency's request (formalized in General Cushman's 25 June memo) for a set of the documents we could review thoroughly and professionally. Henkin told me Admiral Murphy had worked out with Frank Hand an arrangement for us to read one of the DOD's copies in the Pentagon and Hand had said this would be satisfactory. Hand, however, had been on leave since 25 June. I tracked him down to a lake in northern Minnesota and he assured me (by phone) that he had had no such conversation with Murphy and had not acquiesced in any such arrangement.

f. Wednesday morning (30 June), [] and I attended a meeting in Henkin's office. It was very clear that Henkin was setting up arrangements for declassification of the 47 volume study so it could be rushed into print (by the Defense Department) if the Supreme Court ruled adversely. We advanced every argument we could think of against this precipitate action (what I termed an obscene haste to commit indecent public exposure) but to little avail, since Henkin obviously had his orders.

g. After the above meeting, I leaned on Henkin hard with respect to getting a set for the Agency's thorough perusal. (General Cushman's memo had clearly been bouncing around the E Ring like a hot potato.) After a couple of quick calls, Henkin agreed to lend us his set. I came back to the Agency and called Security which, with typical efficiency, handled the physical pick-up from the Pentagon at 1330 that afternoon. With Security's assistance, we ensured that every jot and tittle of the pick-up was strictly kosher in every respect (this for insurance against future contingencies).

h. As soon as the documents were properly logged and physically located in our Related Activities Center, I convened

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the brethren and organized an inter-directorate, inter-office team under [REDACTED] direction to screen the material quickly but thoroughly. Every volume is being read in its entirety by at least two knowledgeable officers. The composite crew working on the problem includes representatives from every functionally concerned office -- this staff, ONE, OER, OCI, DDP/FE and the CI Staff -- plus individuals such as George Allen and [REDACTED] whose personal memories are better than most files. The group is preparing a comprehensive report which will alert us all to material affecting the Agency that is somewhere in the 47 volumes and hence could surface at any time in public print. The team's report should be ready by Tuesday (6 July).

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i. By the time the brethren convened, word of the adverse court decision was out. Shortly after the organizing session just described, Jerry Friedheim (Henkin's deputy) called me to say that Defense was going full bore on printing declassified sets to be ready for distribution early the following day (i. e., Thursday morning, 1 July). Friedheim said he was calling at Buzhardt's direction to assure me that Buzhardt's office was excising all of the items to which we had taken exception in both papers prepared for the Supreme Court brief. I thanked Friedheim for his call but reminded him that while I had no authority to control the Defense Department's actions, the Agency's position was still as I had stated it at the meeting in Henkin's office that morning: we could not concur in any declassification of Agency material until we had been able to screen the study properly and make recommendations to the DCI which he could then act on as he saw fit.

j. Troubled by Friedheim's call, I called Al Haig to discuss the Henkin meeting and my word from Friedheim. I took the line that I obviously had no reason or right to make policy recommendations but it seemed to me that our Defense colleagues were going forward in line with what they seemed to believe were the President's wishes. If these were indeed the President's wishes, then I would shut up; but if they were not, then the White House should be aware that the President's

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options were about to be foreclosed by Defense Department action. Haig exploded, thanked me profusely for calling, said he was sure the President wanted no such haste and said he would look into the matter right away.

k. I then called Pursley to get his version of what was going on (but of course without mentioning my conversation with Haig). Pursley professed himself sympathetic with my concerns, but assured me Henkin and Buzhardt were acting directly on instructions relayed from "highest authority" and in fact Henkin was moving much more slowly than "the very top" wanted him to move. At that very minute (about 1630), Pursley added, a meeting was in progress at the White House on this very subject.

25X1 1. At about 1800, [REDACTED] John Warner and I convened in General Cushman's office: Warner to brief on what the Court had actually ruled and we to fill the General in on the day's developments. General Cushman had been at the White House meeting, which had dealt with an entirely different subject. Warner also reported that our Printing Services Division had been asked by Defense to render assistance overnight in completing a large printing job that had to be finished by 0700 the following morning. Given the circumstances, it had been impossible to refuse the Defense request. Nonetheless, it was agreed that we should get to Haig at least one more time to let him know what was going on.

m. Haig was tied up and not able to come to the phone, but I did get hold of his secretary. I told her to tell General Haig that we had received the request for printing assistance from Defense and that we had had no option but to agree to help. My inference, and I stressed that this was an inference, was that Defense -- at least -- planned to distribute the documents sometime Thursday morning. If such was indeed the President's decision, we were not arguing; but we wanted to be certain that General Haig was aware of the current state of play. The secretary read back her notes and promised me she would get my message to General Haig right away.

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n. General Cushman called me at home after dinner to say that he had just heard that signals had been switched and there would be no Thursday publication. Haig called me immediately after that to report (with a grim note of pleasure in his voice) that the President had personally blown the whistle on the publication exercise, which had been indefinitely suspended. He also expressed great thanks and said what he termed our "alert" had enabled the President to learn of what was going on in time to stop it.

o. On Thursday, 1 July, I had a regular weekly session with Laird (rescheduled from Monday). All factors considered, the atmosphere was considerably less frosty than might have been anticipated. Laird portrayed himself as the one with his finger in the dike resisting the President and Mitchell's push to publish. (I remained non-committal.) Laird said this had all been thrashed out at a meeting Wednesday between the three of them. Our conversation was interrupted by several calls from Erlichmann, who Laird told me -- smiling as he covered the mouthpiece -- was picking up the pieces of that meeting which he (Erlichmann) had not attended. I stuck to the line that it seemed ill advised to me for the Government to authenticate the accuracy of the Times material by publishing it officially and, further, that if the Government did publish the full study, a very dangerous action precedent would have been set. People with passionate views would be led to believe that if they filched material sensational enough and got it printed in some newspaper, the Government would then put it all in the public domain. I also noted that the logic of the whole argument for Government publication escaped me. If someone broke into my house, covertly snapped a picture of my wife in the shower and published it in a newspaper, that certainly did not place her under any moral or legal obligation to stand in the buff on Memorial Bridge at the height of rush hour.

p. During our conversation, Laird told me that the Government had both Rand and Brookings squarely in its sights. (One of Erlichmann's calls, in fact, was to check if the Pentagon had any Brookings contracts -- it didn't.) Relationship with Rand would probably not be broken off entirely, but Laird was going to lift its security clearances (now done) and make it sweat. He also

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told me of the developing case against Charles Cooke and mounting suspicions about Jonathan Moore as described in the accompanying memo on the Sun-Times stories. I do not know what entries Laird may have made in his private black book opposite the Agency's name or mine, but our 1 July session ended on a very cordial note as he readied himself to depart on his 2 July trip.

q. Laird also told me that Mitchell had a private undertaking from the Times and the Post to honor the Government's lists of excepted items. This may have been true of the Post -- which to date has been reasonably circumspect -- but no such agreement was apparent in the material printed in the 1 July New York Times. [REDACTED]

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t. As noted above, we will have ready for you early in the week a damage assessment in the sense of an inventory of cats and dogs scattered through the 47 volumes -- plus some other material we know is out in circulation -- which could appear at any time. As also noted above, however, no one in the Government really knows how much is now out and how much more is still leaking. My own belief is that we are in for a prolonged siege and that once the furor over the 47 volume study starts to die, more recent material will be selectively surfaced to keep the pot bubbling.

2. Other Matters. FE Division is writing up the Symington transcript affair which I will therefore not discuss. Since this report is already far too long, I will mention only the following major items:

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